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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/469,499 12/22/99 SUGAHARA

T 041-1790B

EXAMINER

TM02/0402

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ALEXANDRIA VA 22314

LEE, V

ART UNIT

PAPER NUMBER

2613

DATE MAILED:

04/02/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/469,499

Applicant(s)
Takayuki Sugahara

Examiner
Y. Lee

Group Art Unit
2613



☒ Responsive to communication(s) filed on Mar 21, 2001

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 18-22 and 28-37 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 18-22 and 28-37 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☒ The proposed drawing correction, filed on Nov 13, 2000 is ☒ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☒ received in Application No. (Series Code/Serial Number) 08/940,941.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

Continued Prosecution Application

1. The request filed on 3/21/01 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/469,499 is acceptable and a CPA has been established. An action on the CPA follows.

Election/Restriction

2. Applicant's election without traverse of Figure 15 in Paper No. 15 is acknowledged.

Priority

3. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 08/940,941, filed on 9/30/97.

Drawings

4. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 11/13/00 have been approved.
5. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

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Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 18-22 and 28-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kilbel (5,214,556) in view of Abecassis (5,434,678).

Kilbel, in Figures 2, 5, and 8-10, discloses a VCR protection system that is substantially the same reproduction/decoding apparatus and method providing reproduction protection as specified in claims 18-22 and 28-37 of the present invention, for operating on main data which are conveyed by a data medium 50 and on medium protection data 56 which are specific to the data medium 50 and are conveyed by the data medium 50, the method and apparatus 10 comprising means for generating apparatus protection data (Fig. 9) comprising a first set of data (Fig. 8) and a second set of data (e.g. 84,86,88,95,97) such that the first set of data cannot be modified by a user of the reproduction apparatus and the second set of data can be modified by the user, the first set of data being specific to a region or a country (U.S.) in which the reproduction apparatus 10 is to be used; means for defining a protection level (Fig. 10) based on the medium protection data 56 and the apparatus protection data in combination; and means for executing reproduction (Fig. 1) of the main data in accordance with the protection level.

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It is noted Kilbel differs from the present invention in that it fails to particularly disclose and protection position information as specified in claims 18-22 and 28-37. Abecassis however, in Figures 2-4, teaches the concept of such well known means for detecting protection position information (Fig. 3) which specifies a position within the main data at which to apply the reproduction protection, the protection position information being conveyed by the data medium (Fig. 6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, having both the references of Kilbel and Abecassis before him/her, to incorporate the well known protection position information detecting means of Abecassis in the reproduction apparatus of Kilbel in order to provide a variable content program the capability for automatically selecting video segments to indicate the inclusion of the selected segments in the program responsive to preestablished video content preferences.

Response to Arguments

8. Applicant's arguments with respect to claims 18-22 and 28-37 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

9. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-6306/6296 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y. Lee whose telephone number is (703) 308-7584.


Y. LEE
PRIMARY EXAMINER

Y. Lee/yl
March 30, 2001